

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAMES GORDON HAMILTON, III,

Defendant.

No. CR-05-001-HE

PRELIMINARY ORDER OF FORFEITURE

This cause came before the Court on Plaintiff's Motion for a Preliminary Order of Forfeiture (Doc. No. 34), the Court finds:

As a result of the defendant's guilty plea to all counts of a 7-count Superseding Information, for which the Government sought forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), James Gordon Hamilton III, shall forfeit to the United States any and all assets subject to forfeiture for violation of 18 U.S.C. §922(g)(3).

The Court has determined, based on Hamilton's plea agreement, that the following specific property ("Subject Property") is subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 21 U.S.C. § 2461(c), and that the Government has established the requisite nexus between such property and such offenses.

1. one Intra-Tec model Tec. 9, 9mm semi-automatic pistol, serial #21814, with bolt assembly/constituting a machine gun.
2. one AK-47 Rifle, serial #605824,
3. thirty nine rounds of Norinco ammunition,
4. one AR-15 Colt Rifle, serial #224480,
5. one Glock 17 semi-automatic pistol, serial #DB895US, and
6. fifty rounds of .223 caliber ammunition, unknown manufacturer
7. one silencer, more fully described as a cylindrical tube approximately twelve (12) inches in length and approximately two (2) inches in diameter, black in color
8. one Ithaca, model 37 12-gauge pump action shotgun, serial #371503184,
9. one Mauser, model 98, unknown caliber, bolt action rifle, serial #2779,
10. one Russian, model SKS-45, 7.62x39 caliber semi-automatic rifle, serial #RH212932. Importer KBI,

11. one J Stevens, model Favorite, receiver and butt stock, serial #590,
12. one J Stevens, model Favorite, 22 caliber lever action rifle, serial #132,
13. one model 1943, unknown manufacturer, unknown caliber semiautomatic rifle, serial #17978,
14. one Unknown manufacturer, model 1943, unknown caliber, semi-automatic rifle, serial #6292,
15. one M-16 Auto-Sear and M-16 parts,
16. seventeen rounds of various calibers and brands of ammunition and
17. one hundred fifteen rounds of various calibers and brands of ammunition.
18. one Winchester, model 1890, .22 caliber pump rifle, serial #598028,
19. one Remington, model 1100LT 20, 20 gauge semi-automatic shotgun, serial #N088432K,
20. one Ruger, model 77, 7mm magnum, bolt action rifle, serial #71-50049 with attached scope,
21. one Walther, model Sport, .22 caliber bolt-action rifle, serial #4613W with attached scope,
22. one Czech, Ceskoslovenska Zbrojovka, As, Brno, 22/250 caliber, bolt-action rifle, serial #6412 with attached scope,
23. one Zbrojovka, Brno, model 1, .22 caliber bolt-action rifle, serial #56938 with attached scope,
24. one Norinco, model Mac-90, 7.62x39 caliber semi-automatic rifle, serial #616259 with attached bayonet,
25. one Thompson, model Center Arms, .223 caliber rifle, serial #166138 with attached scope,
26. one Remington, model 1100, 12-gauge semi-automatic shotgun, serial #263734V,
27. one upper receiver for AR-15 and
28. six rounds of various calibers and brands of ammunition.
29. one Glenfield, model 60, .22 caliber semi-automatic rifle, serial #6925790 with attached scope,
30. one Remington, model 6, .22 caliber rifle, serial #481750,
31. one Gustav Genschow & Co., .350 caliber bolt-action rifle, no visible serial number,
32. one Geco, model 1922, .22 caliber bolt-action rifle, serial #153,
33. one Russian, model 1944 bolt-action rifle, serial #TM1375 with attached scope,
34. one Russian, model 1897T, bolt-action rifle, serial #156802,
35. one Russian, model 1937 bolt-action rifle, serial #173773,
36. one Russian, model 1939 bolt-action rifle, serial #NY5229 with Bayonet,
37. one Egyptian, Hakim, 7.9 mm semi-automatic rifle, serial #25946,
38. one Egyptian, Hakim, 7.9mm semi-automatic rifle, serial #42467,
39. one Japanese, model 1956, bolt-action rifle, serial #4000628,
40. one Japanese, model 1955, bolt-action rifle, serial #3297951,
41. one model 1939, unknown manufacturer, bolt-action rifle, serial #CE2723,
42. one model 1937, unknown manufacturer, bolt-action rifle, serial #223243,
43. one model P-26, unknown manufacturer, bolt-action rifle, serial #S9784,
44. one Charter Arms, model AR-7, Explorer, .22 caliber semi-automatic rifle, serial #A23936,
45. one CJ Hamilton & Son, model 39, .22 short caliber pump rifle, no visible serial number,
46. twenty seven thousand seven hundred five (27,705) rounds of various calibers and brands of ammunition.

47. one American Arms Inc., model "Regulator", .45 caliber, six-shot revolver, serial #125176,
48. four rounds of various calibers and brands of .357 caliber, one round of 38 Special and
49. six rounds various calibers and brands of .357-caliber ammunition.
50. thirty three thousand, six hundred seventeen (33,617) rounds of various calibers and brands of ammunition,
51. one Unknown manufacturer, model 1943, unknown caliber bolt-action rifle, serial #52105, and
52. one Winchester, model 68 22 short, .22 caliber bolt action rifle, no visible serial number.
53. three unopened boxes containing 550 rounds of Federal .22 caliber ammunition,
54. one unopened box containing 100 rounds CCI .22 caliber ammunition and
55. twenty-three loose rounds of ammunition.
56. one silencer, more fully described as a metal cylindrical tube, approximately nine (9) inches in length and approximately one and one-half (1 1/2) inches in diameter, black in color with gray end-caps, not registered to him in the National Firearms Registration and Transfer Record,
57. one L.C. Smith double barreled shotgun, serial #53607,
58. one RPB Industries silencer model M-10, serial #T-722,
59. one SWD machinegun model M-11, 9mm, serial #85-0004638,
60. one Ruger pistol, .22 caliber, model MKII, serial #210-48000,
61. one Ruger .22 caliber pistol model MKII, serial #213-92326,
62. one German Luger 9mm, serial #4767,
63. one Walther PPKS pistol, .380 caliber, serial #227921S,
64. one Walther PPK pistol .380 caliber, serial #131834A,
65. one Ruger pistol, model MKI, .22 caliber, serial #16-74672,
66. one Glock 9mm pistol, model 17L, serial #DA965US,
67. one North American Arms .22 caliber derringer, serial #B79821,
68. one S&W .357 caliber revolver, model 65-2, serial #1D66308,
69. one S&W .357 caliber revolver, model 65-2, serial #1D42886,
70. one Colt .357 caliber revolver, model Python, serial #78846E,
71. one Colt .38 caliber revolver, model Detective Special, serial #H15508,
72. one Ithaca any other weapon, 20 gauge, model 87-Featherlite, serial #372000315HG,
73. nine rounds of 9mm ammunition,
74. three rounds of 12 gauge ammunition,
75. one Springfield Armory semi-automatic rifle .30 caliber, model M1 serial #636829,
76. one Norinco semi-automatic rifle, 5.56 caliber serial #305259,
77. one Remington Arms semi-automatic 12 gauge shotgun, model 1100 serial #L396882V,
78. one Ithaca 12 gauge shotgun, model DS Police Special serial #371731732,
79. one Boito 20 gauge shotgun, serial #61285,
80. one Norinco semi-automatic rifle, caliber 7.62, serial #610528,
81. one Polytechnologies semi-automatic rifle caliber 7.62, serial #NM47-0051,
82. one Federal Ordnance semi-automatic rifle, model M14A, .30 caliber, serial #4496,
83. one Colt AR-15 semi-automatic rifle, model SP1 .223 caliber, serial #SP118869,
84. one Norinco semi-automatic rifle, 7.62 caliber, serial #510055,

85. one Savage 12 gauge shotgun, model 311, no serial number and
86. one Remington Arms 12 gauge shotgun, model 1100, serial #N417097V.
87. one hundred sixty seven rounds of various calibers and brands of ammunition and
88. eighty rounds of various calibers and brands of ammunition.
89. one Colt .38 caliber revolver, model Detective special, serial #55893R and
90. six rounds of Federal .38 caliber ammunition.
91. one Mossberg .410 gauge single shot shotgun, model 183KC, no serial number and
92. forty-five rounds of various calibers and brands of ammunition.

Upon entry of this Order, the United States is authorized to seize the listed property in accordance with Fed. R. Crim. P. 32.2(b)(3).

Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with 21 U.S.C. § 853(n) governing third party rights, including giving notice of this Order.

The Bureau of Alcohol, Tobacco and Firearms shall publish notice of this order and its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Subject Property. 21 U.S.C. § 853(n)(1).

Any person, other than the above named defendant, asserting a legal interest in the Subject Property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his/her alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(2)-(6).

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing [or before sentencing if the defendant consents] and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).


Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts supporting the petitioner's claim and the relief sought. 21 U.S.C. § 853(n)(3).

The United States shall have clear title to the Subject Property following the Court's disposition of all third party interests, or, if not, following the expiration of the period provided in 21 U.S.C. § 853(n) for the filing of third party petitions. 21 U.S.C. § 853(n)(7).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

Dated this 11th day of July, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE